



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Cactus Services, Inc.

File: B-226395

Date: March 23, 1987

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### DIGEST

Protester, having been orally informed that the solicitation was amended to provide for a later closing date and yet submitted its proposal past the amended closing date because it had not been sent a copy of the amendment was properly found to have submitted its offer late.

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### DECISION

Cactus Services, Inc., protests the rejection of its proposal submitted in response to solicitation No. N00167-86-R-0138, issued by the David W. Taylor Naval Shipyard and Development Center, Bethesda, Maryland. The Navy rejected Cactus' proposal because it was received late.

The protest is dismissed without obtaining an agency report because it is clear on the face of the protest that it is without merit. 4 C.F.R. § 21.3(f) (1986).

Cactus states that on January 24, 1987, it became aware of the above solicitation and on January 27 it contacted the Navy as to when the closing date was scheduled. On January 29, Cactus was orally informed that closing was extended until February 17. Cactus requested the Navy to send it a copy of the extension amendment so it would have a complete solicitation package. On February 9, when Cactus had not received a copy of the amendment extending closing to February 17, it tried to contact the Navy. On February 11 a Navy employee advised Cactus that the amendment would be sent that day.

Cactus states that on February 17, the amended date for closing, when it still had not received a copy of the amendment it called the Navy and was informed that closing was at 2 p.m., that day. Cactus sent the Navy a telegram at 11:24 a.m., on February 17 requesting a 48-hour extension of closing pending receipt of the amendment. At 10:31 a.m., on February 18, after Cactus received the amendment, Cactus

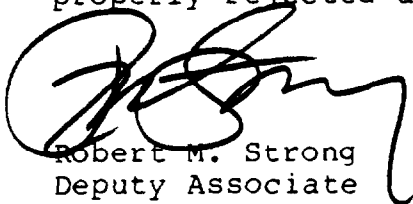
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delivered its proposal to the Navy. On February 19, the Navy sent Cactus a letter stating that Cactus' proposal could not be considered because it was late.

Cactus contends that it did everything in its power to obtain the amendment and it was late in submitting its proposal only because it did not want to falsely document receipt of the requested amendment.

We have been advised that the only purpose of the amendment was to extend the closing date to February 17. As noted above, on January 29, Cactus was directly informed that this was the purpose of the amendment.

Cactus, knowing full well of the amendment's new closing date, should not have delayed its submission of its proposal past that closing date. Accordingly, its proposal was properly rejected as late.



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